

In the Matter of Merchant Mariner's Document No. Z-407207-D4 and
all other Licenses, Certificates and Documents

Issued to: ROBERT FREDERICK NIELSEN

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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ROBERT FREDERICK NIELSEN

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

An Examiner of the United States Coast Guard conducted a hearing at New York, New York, and, by order dated 30 January 1957, suspended Appellant's seaman documents upon finding him guilty of misconduct. The specification alleges that while serving as an oiler on board the American SS ROBIN GOODFELLOW under authority of the document above described, on or about 9 October 1956, while said vessel was at sea, Appellant assaulted a fellow crew member named Richard Johnson.

After considering the evidence, the Examiner concluded that the charge and specification had been proved. He then suspended Appellant's Merchant Mariner's Document No. Z-407207-D4, and all other licenses, certificates and documents issued to Appellant by the United States Coast Guard or its predecessor authority, for a period of six months outright and six months on probation until twelve months after the termination of the outright suspension.

Based upon my examination of the record submitted, I hereby make the following

FINDING OF FACT

On 9 October 1956, Appellant was serving as an oiler on board the American SS ROBIN GOODFELLOW and acting under authority of his Merchant Mariner's Document No. Z-407207-D4 while the ship was at sea.

On this date, Appellant wilfully and knowingly assaulted Richard Johnson, another member of the crew. For this offense, Appellant was convicted in the United States District Court for the Southern District of New York and placed on probation for a period of six months.

BASIS OF APPEAL

This appeal has been taken from the order imposed by the Examiner. Appellant contends that the order depriving him of his livelihood for six months is too harsh in view of the absence of any prior record of violence. A long period of probation would serve the purpose of maintaining safety at sea.

OPINION

Appellant's plea for clemency is not considered adequate reason to modify the order of the Examiner. It is the policy of the Coast Guard to impose severe orders in cases where a seaman has been found guilty, for the first time, of a crime of violence on shipboard. The remedial purpose of these proceedings is to deter seamen from such conduct. This purpose is not served by the punishment imposed by a judicial court if the seaman is permitted to return to sea immediately. Consequently, the order of the Examiner will be sustained in the interest of promoting safety at sea.

ORDER

The order of the Examiner dated at New York, New York, on 30 January 1957, is AFFIRMED.

A. C. Richmond
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 14th day of June, 1957.